IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl. Rev.Pet.No. 16 of 2004(B)

CMP.888/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOTTARAKKARA

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REVN. PETITIONER: COMPLAINANT

NIZAM S/O. MYTHEEN KUNJU, THOYIAL VEEDU,
CHIRAVUR MURI, CHITHARA VILLAGE.

BY ADV. SRI.D.JAYACHANDRAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 16 OF 2004 B

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Dated this the 19th day of February 2007

O R D E R

The revision petitioner is the complainant in C.M.P. No. 888/2003 which is filed with respect to the offence under section 138 of the Negotiable Instruments Act. When the case was called the petitioner was absent and the counsel appearing for the petitioner filed an application for days exemption which was rejected and the complaint was dismissed, it is submitted.

2. In the circumstances, the order of the court below dismissing the complaint is set aside. The court below is directed to permit the petitioner to further pursue the matter. He shall appear before the Judicial First Class Magistrate, Kottarakkara on 14.03.2007.

The Crl. R.P is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

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